

COMMITTEE ON BILLS ON SECOND READING

January 24, 2005

5:30 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Roy (arrived late), Sysyn and DeVries
Alderman Forest

Absent: Alderman O'Neil

Messrs.: Tom Arnold, Virginia Lamberton

Chairman Lopez addressed item 3 of the agenda:

3. Ordinance:
"Amending Sections 33.024, 33.025 and 33.026 (Reconstruction Coordinator) of the Code of Ordinances of the City of Manchester."

Alderman DeVries moved for discussion. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Alderman DeVries stated confirmation that there is no grade change, only language changes.

Ms. Virginia Lamberton, Human Resources Director, replied I believe there is a grade change. It's a one-salary grade increase.

Chairman Lopez stated would you explain that a little bit.

Ms. Lamberton replied justified by...this was a situation where...I thought this was just technical review, I didn't know we were going to discuss this. It is a position review...the employee felt that he was working supervisor. The department didn't think he was a supervisor at the level of next grade of supervisor and so we tried to find something in the middle to compensate him for the fact that he does do working supervision but not at the same level as the people who are 100% of the time are supervisors.

Alderman DeVries stated I recall and thank you.

Alderman DeVries moved to recommend that the ordinance ought to pass. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez addressed item 4 of the agenda:

4. Ordinances:

“Amending Section 33.079(H) (Vacations) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.081 (4)(a) (Sick Leave) of the Code of Ordinances of the City of Manchester.”

Alderman DeVries moved to recommend that the ordinance ought to pass. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez addressed item 5 of the agenda:

5. Ordinance:

“Amending Chapter 90: Animals., Section 90.11 License Required of the Code of Ordinances of the City of Manchester.”

Alderman DeVries moved for discussion. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Alderman DeVries stated my question will be of City Clerk...if I understand from recent conversations this is just to bring Chapter 90 in cinque with State Statutes.

Deputy City Clerk Johnson stated that is correct. It's actually what is being enforced now, it just puts it all together in one place for the City side of things because the City didn't have some of the items that the State has.

Alderman DeVries stated to reassure those at home we are not going to be enforcing anything above what they have seen in recent years.

Deputy City Clerk Johnson stated that is correct.

Alderman DeVries moved to recommend that the ordinance ought to pass. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez addressed item 6 of the agenda:

6. Ordinance:
“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

Alderman Sysyn moved to recommend that the ordinance ought to pass. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez noted that Alderman Roy was present.

Chairman Lopez addressed item 7 of the agenda:

7. Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned R-S (Residential Suburban) located on Front Street and Hackett Hill Road and known as Tax Map 767, Lots 4 and 4B.”

Alderman Roy moved to recommend that the ordinance ought to pass. Alderman Sysyn duly seconded the motion

Alderman Forest stated this is a piece of property right at the corner of Hackett Hill and Front Street, it was a one-family home there and the person that bought it...I believe there is six acres and he wants to build some apartment units there...three tenements and it's zoned...the residential part of it...all around the area...Hackett Hill Road, Country Side Village and all of them are all RSM which is why he asked for the rezoning.

Chairman Lopez called for a vote on the motion. There being none opposed, the motion carried.

Chairman Lopez addressed item 8 of the agenda:

8. Shoreland Protection Act.

Alderman DeVries moved for discussion. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Alderman DeVries stated this is actually an item, I believe, I had asked sent to this Committee. Bob MacKenzie was going to review and make some recommendations to us and I don't see him here tonight, so I would move to table at this time to coordinate with the Planning Director at a future meeting.

Alderman Roy stated a question for Alderman DeVries. Didn't Bob give us, the full Board, a presentation on this recently or was that Lands and Buildings.

Alderman DeVries stated he did give a full presentation. There had been, after the presentation, some discussion about whether or not we should look at any changes or amendments and that's why it was decided to send it to this Committee. City Clerk, is there anything that you.

Deputy City Clerk Johnson replied it was referred to the Committee and I think at this point you probably want to address questions to Mr. MacKenzie.

Chairman Lopez stated I think there was one area/item that you were looking at, weren't you...not the whole document but one item.

Alderman DeVries stated the document I don't think is anything this Committee needs to adopt. It was sent here for discussion and I just wanted him to review and comment so that we could have the discussion at this Committee level.

Alderman Sysyn duly seconded the motion to table item 8. There being none opposed, the motion carried.

TABLED ITEMS

On motion of Alderman Roy, duly seconded by Alderman Sysyn, it was voted to remove items 9, 10 and 11 from the table for discussion.

9. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

11. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

Chairman Lopez stated in reference to items 9 and 11 the City Solicitor is working on a Noise Ordinance; that all parties concerned have been in contact...it's a 15-page document that the City Solicitor is going to be sending us and everything is going to be incorporated, so I just wanted to bring that to the attention of the Committee. We have plenty of time to work on it so long as we get it done by spring. I think that's more important to get it done before the summer hits us. So, I would like a motion to retable items 9 and 11 until we receive those documents.

Alderman DeVries in reference to item 9 asked has a letter been send to Tom, the City Solicitor or Police who are discussing this item that we are waiting for updates?

Chairman Lopez replied yes the City Clerk is taking care of that and maybe Tom Arnold the Deputy City Solicitor could comment on the Noise Ordinance so the Committee is well aware of what's going on.

Alderman DeVries moved to retable items 9 and 11. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

10. Report of the Committee on Administration/Information Systems recommending that the Board of Aldermen set the Mayor's base salary at \$85,000.00 per year effective January 2006 and that each year that a Mayor provides a continuous service the salary for such position shall be increased in accordance with the Consumer Price Index (CPI). At any time a person initiates a term of office, or is appointed to complete an unexpired term of office for the position of Mayor, the salary shall initiate at the base salary of \$85,000.00. The Committee further recommends that such provisions of salary for the Mayor be forwarded to the voters as a non-binding referendum question.

Chairman Lopez stated this has been to the City Solicitor's Office referencing 30.12 Salary of the Mayor in the agenda packet.

Alderman Roy moved for discussion. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Alderman Roy stated the only problem I have with what came out of the Solicitor's Office is tying it to the Consumer price Index for all urban consumers. Where we negotiate long-term contracts, three-year contracts in this last round with our affiliated and non-affiliated employees I wouldn't mind seeing a cap of "not more than" language in that or just before "Seasonally Adjusted" or before the end of that sentence that ends in the "United States Department of Labor." And, Tom, I guess the question to you would be could we put in a maximum that should the CPI go to 6% or 4.8% that we can have a cap to the salary increase per year?

Deputy City Solicitor Arnold replied certainly, whatever the Committee desires.

Alderman Roy stated besides that I feel comfortable with increasing the Mayor's salary, the office does quite a bit of work for the City, I would just like to see a fair maximum out there.

Deputy City Solicitor Arnold stated I just need to know what you would like the cap to be.

Chairman Lopez stated that is what I was just going to say. If we're going to cap it, what are you going to cap it at?

Alderman Roy replied in my opinion it's not really capping actually salary, it's capping the percentage of a raise. We negotiated with; I believe, two percent (2%) with our non-affiliated employees, so...

Chairman Lopez interjected is that what we're saying here, Tom, "Seasonally Adjusted"...doesn't necessarily mean that we have to go by what...

Deputy City Solicitor Arnold stated that's merely referring to the place index that's being used for the purpose of this ordinance. The ordinance, of course, provides that it's adjusted once every two years...take effect immediately after the Mayor's re-inaugurated. If you wanted you could certainly cap it by simply saying "no more than two percent, no more than three percent"...whatever cap you care to impose.

Chairman Lopez stated I guess my question is to go down to the line and maybe I'm reading it wrong..."The percentage change shall be calculated by using the index last published prior..."Alderman Roy is that what you're referring to?

Alderman Roy replied yes. If that number is said to be higher than...I'm just thinking about the Mayor's position as a City position, it's a paid position. If we're not giving our employees a three and four percent raises then I think it would be unfair to just arbitrarily because the index at that certain time was a three or four or five percent...have that language in there...I think there should be some maximum. A question for the City Solicitor. The CPI that you used did you get any historical data as to what they were over say the past ten years?

Deputy City Solicitor Arnold replied no, I did not.

Chairman Lopez stated on the calculation by using the index last published prior is that automatically for the City employees now, it's not.

Deputy City Solicitor Arnold replied there is nothing automatic for the City employees at this point now.

Chairman Lopez stated if I recall right the two- percent cola is approved by the Board of Mayor and Aldermen, right.

Deputy City Solicitor Arnold replied that is correct.

Chairman Lopez asked then why couldn't it be that the adjustment be done by the Board of Mayor and Aldermen? Is that just taking the equation of the Aldermen out of it?

Deputy City Solicitor Arnold replied the answer to your question is, of course, consistent with the City Charter...the Board of Mayor and Aldermen could do that. Basically, I tried to implement the instructions I was given by the Committee on Administration. I think that the feeling before that Committee anyway was that they wanted to try and remove the Board of Mayor and Aldermen from the decision and that is why it was structured this way.

Chairman Lopez stated I would agree with that.

Alderman Roy stated I do agree with all of that and I do agree with what we're doing here...just from employee relations position and I don't know if Ms. Lamberton wants to comment on that...if we've got our highest ranking elected

official getting automatic raises just because of a number of factors that factor into the CPI I'd hate to see how that would affect employees and people that are stuck to a certain percentage every time they negotiate the contract.

Chairman Lopez asked, Mr. Lamberton, could you help us out on this. I know about the employees but what about elected officials, the Mayor...he's not entitled to merit pay, right

Ms. Lamberton replied the Mayor's pay is set so when we renegotiate percentage increases for affiliated and non-affiliated employees they are given that but the Mayor's position is not because I think it's in the Charter now.

Chairman Lopez stated he doesn't even get the two- percent cola.

Ms. Lamberton replied he gets nothing.

Chairman Lopez stated that's what I thought.

Ms. Lamberton stated so what you could do possibly would be to say something along the lines that Tom has written in there...the CPI or whatever it is...not to exceed 3.5% and then you've set a cap on it.

Chairman Lopez asked has there been any experience where the CPI is more than...I can't remember seeing...

Ms. Lamberton stated I think before I came here I think that right after Yarger Decker was implemented that the CPI was up there, but it hasn't been. I think it was two point something the last year we looked at it when we were negotiating... a couple of years ago.

Chairman Lopez stated right now it's merit pay and step increases are three percent, right?

Ms. Lamberton stated merit is 3%, the cost-of-living for everybody was 2% for three years.

Chairman Lopez stated it wouldn't be unreasonable that we had a 3% cap for the Mayor.

Ms. Lamberton stated right.

Alderman DeVries stated I was going to offer an amendment that line 5 be amended to..."shall be increased by 2% or the CPI in the price index, whichever is smaller. That way it will increase by 2% unless the CPI is less than 2% then it will increase by the CPI."

Deputy City Clerk Johnson stated I would just like to clarify because in talking with the Solicitor the CPI that's referred to there is each year...that's actually every two years that that would go into effect. Just so the Committee is aware it's not an annual thing. Each year is the term of office in reality.

Alderman DeVries stated that's acceptable.

Deputy City Solicitor Arnold stated it's every two years because the City Charter provides that you can't raise the Mayor's salary while he's in office, you have to wait to the following term.

Chairman Lopez asked would that be fair...two percent after two years?

Alderman DeVries replied that's my motion that's certainly a number any Committee member can change that to three percent, four percent, whatever. Alderman Sysyn duly seconded the motion.

Chairman Lopez stated the amendment is two percent on CPI or whichever is smaller, is that what the amendment is?

Alderman Roy stated I have a question of our Human Resources Director...from an employee standpoint and I'm sure you were party and aware of all of the negotiations that happened this year...dealing with an employee is two percent fair. I know we're up to almost five percent with some employees...we're talking about just fairness here.

Ms. Lamberton replied I think one of the goals here is to attract people who are not so wealthy, people that need to earn a certain amount of money and this to be their job as well. So, probably, I would be inclined to 3%...that's really only 1.5% a year increase which I didn't see any unions get that little.

Alderman Roy stated the reason I brought this forward is that there are maximums and minimums and that's the way we handle all of our other employees...non-affiliated and affiliated through the City. So, I would just ask maybe that we review or make it the same percentage as the non-affiliated.

Ms. Lamberton stated I would stay away from having the Mayor's raise be consistent with what the raises are that are negotiated because there could be an illusion or the perception that the Mayor whoever that person is gave a larger percentage increase. I would keep them as two distinct issues.

Chairman Lopez asked, Carol would you read the vote please.

Deputy City Clerk Johnson replied the amendment basically inserts in line 5 that the increase would be by two percent (2%) or the CPI, whichever is smaller.

Chairman Lopez called for a vote on the original motion. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated a motion as amended would now be required.

Chairman Lopez asked, Leo, do you want the Board to approve this?

City Clerk Bernier replied my question is is this to the voters, a referendum question or are you passing this.

Chairman Lopez asked what is the desire of the Committee? We've got to make a recommendation to the full Board either to approve or to send to the voters.

Alderman DeVries stated I think the final sentence of the ordinance reads that "such provision of salary for the mayor be ordered to the voters as a non-binding referendum question" and that would be my intention.

Deputy City Clerk Johnson stated the next follow-up would be do you want it at the Primary or at the General because we should include that in our Committee report coming out.

City Clerk Bernier stated traditionally you always go to the November ballot and again this is a non-partisan election so we've done both...we've done it in September as well as in November, it would be entirely up to the Committee. I would probably suggest it be sent to the November ballot.

Chairman Lopez asked is November an affirmative from the Committee?

Alderman Roy moved to approve the motion as amended and to send to the voters in November. Alderman DeVries duly seconded the motion.

Alderman Roy stated a question for the Chair or the Clerk. So, the process from here...will this go to the full Board?

City Clerk Bernier replied yes at the February 1st meeting of the Board.

Alderman Roy asked will everything we did here this evening go to the February 1st Board meeting?

City Clerk Bernier replied on February 1st yes that's correct.

There being no further business to come before the Committee, on motion of Alderman DeVries, duly seconded by Alderman Roy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee